

ESTTA Tracking number: **ESTTA632868**

Filing date: **10/15/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Kaviari SAS
Granted to Date of previous extension	10/15/2014
Address	13, rue de l'Arsenal Paris, F-75004 FRANCE
Correspondence information	Joseph T. Murray Hart, Baxley, Daniels & Holton 90 John Street - Suite 403 New York, NY 10038-3242 UNITED STATES jtm@hartbaxley.com Phone:2127917200

### Applicant Information

Application No	86003675	Publication date	06/17/2014
Opposition Filing Date	10/15/2014	Opposition Period Ends	10/15/2014
Applicant	Lieblein, Dieter Dieter Lieblein Marbella, 29604 SPAIN		

### Goods/Services Affected by Opposition


Class 003. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Cosmetics in general, including perfumes
Class 014. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Watches and jewelry
Class 020. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Furniture

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	4156356	Application Date	02/09/2011
Registration Date	06/12/2012	Foreign Priority Date	NONE

Word Mark	KAVIARI
Design Mark	
Description of Mark	NONE
Goods/Services	Class 029. First use: First Use: 0 First Use In Commerce: 0 Caviar, fish, crustaceans

Attachments	79105404#TMSN.png( bytes ) NoticeOfOpposition-KaviarivLieblein.pdf(15007 bytes )
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### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/JosephTMurray/
Name	Joseph T. Murray
Date	10/15/2014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

*In the Matter of Application No. 86/003675 DIC CAVIARI  
published in an Official Gazette on June 17, 2014*

Kaviari SAS,

Opposer,

Opposition No. \_\_\_\_\_

v.

Dieter Lieblein,

Applicant.

Commissioner for Trademarks  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

Kaviari SAS with its principal office at 13, rue de l'Arsenal, Paris F-75004, FRANCE, a Societe par Actions Simplifiee, organized under the laws of France, believes it will be damaged by registration of the mark DIC CAVIARI as shown in the above-identified application for trademark registration and hereby opposes same in its entirety. Said application was published in an Official Gazette of the United States Patent and Trademark Office on June 17, 2014.

The grounds for opposition are as follows:

1. Applicant seeks to register a mark DIC CAVIARI for:  
  
Cosmetics in general, including, perfumes in Class 003; watches and jewelry in Class 014; and Furniture in Class 020 (hereinafter "Applicant's Goods").
2. Opposer is owner of United States Trademark Registration No. 4156356 KAVIARI for caviar, fish and crustaceans in Class 029.

3. As a result of continuous and extensive use by Opposer of the mark KAVIARI, its mark has become and continues to function as a valuable business and marketing asset of Opposer and serves to indicate to the trade and consuming public products and services originating exclusively from Opposer.

4. Applicant's mark DIC CAVIARI is confusingly similar to Opposer's mark KAVIARI and use thereof by Applicant is likely to cause confusion, deception and mistake as to the source of Applicant's and Opposer's respective goods. Therefore, Applicant's Mark should be denied registration under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

5. Opposer believes it will be damaged by registration of Applicant's Mark.

WHEREFORE, Opposer respectfully requests that this Opposition be sustained and that Applicant's mark DIC CAVIARI be denied registration.

Respectfully submitted,

Dated: October 15, 2014

HART, BAXLEY DANIELS & HOLTON  
*Attorneys for Opposer*

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Joseph T. Murray  
Charles E. Baxley

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CERTIFICATE OF SERVICE

I hereby certify that on October 15, 2014 a true and exact copy of the foregoing NOTICE OF OPPOSITION was served on Applicant by first-class mail, postage prepaid, in an envelope addressed as follows:

Mr. Dieter Lieblein  
Calle Cervantes El Arenal 77  
Marbella SPAIN 29604

/Joseph T. Murray/  
Joseph T. Murray